

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00048

DANIEL PHILLIP BECKMAN

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**MEMORANDUM OPINION AND ORDER**

Pending before the court is the motion of the defendant Daniel Phillip Beckman for a continuance of the trial in this matter. (ECF No. 15.) Counsel for defendant explains that he anticipates receiving additional discovery from the government and he and the defendant will not be adequately prepared to file pre-trial motions and proceed to trial on July 11, 2023. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).


Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to August 17, 2023;
2. The Pretrial Motions Hearing is continued to August 29, 2022, at 1:30 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by August 30, 2023;
4. Trial of this action is continued to September 6, 2023, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 5th day of June, 2023.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge